

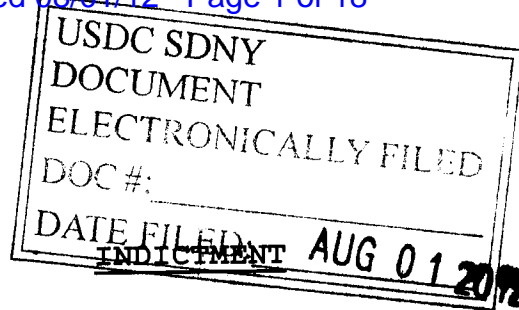
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RANA KHANDAKAR,
a/k/a "Rick Shinwat," and
USAWAN SAELIM,

Defendants.



12 Cr.
12 CRIM 584

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

The Grand Jury charges:

1. From at least in or about November 2008, up to and including on or about March 28, 2012, in the Southern District of New York and elsewhere, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses under Title 18, United States Code, Section 1029(a), to wit, KHANDAKAR and SAELIM stole credit/debit card account and other personal information, and then used that stolen information to, among other things, open bank accounts, purchase merchandise, and fraudulently obtain money to which they were not entitled.

2. It was a part and object of the conspiracy that RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the

JUDGE KOELTL

defendants, and others known and unknown, knowingly, and with intent to defraud, and affecting interstate and foreign commerce, would and did effect transactions with one and more access devices issued to another person or persons, to receive payment and things of value during a 1-year period the aggregate value of which was equal to and greater than \$1,000, in violation of Title 18, United States Code, Section 1029(a)(5).

3. It was a further part and an object of the conspiracy that RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, knowingly, and with intent to defraud, and affecting interstate and foreign commerce, would and did produce, traffic in, have control and custody of, and possess device-making equipment.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about November 2008, RANA KHANDAKAR, a/k/a "Rick Shinwat," the defendant, established a fraudulent merchant account in the name of a business known as "Tips."

b. In or about late 2010, RANA KHANDAKAR, a/k/a "Rick Shinwat," the defendant, established a fraudulent merchant account in the name of a business known as "uDiapers Inc."

c. In or about June 2010, USAWAN SAELIM, the defendant, established a bank account that was used to receive the proceeds of fraudulent credit/debit card charges made through uDiapers Inc., and to incur charges made through certain fraudulent merchant accounts.

d. Throughout 2011 and 2012, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, caused fraudulent credit/debit card transactions to be processed by a computer server located in New York, New York.

e. In or about January 2012, RANA KHANDAKAR, a/k/a "Rick Shinwat," the defendant, mailed, and caused to be mailed, to an address in New York, New York, materials related to an EZ Pass tag that was fraudulently purchased using stolen credit card information.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

(Conspiracy to Commit Mail Fraud and Bank Fraud)

The Grand Jury further charges:

5. From at least in or about November 2008, up to and including on or about March 28, 2012, in the Southern District of New York and elsewhere, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit

offenses under Title 18, United States Code, Sections 1341 and 1344, to wit, KHANDAKAR and SAELIM stole credit/debit card account and other personal information, and then used that stolen information to, among other things, open bank accounts, purchase merchandise that was shipped through the mail, and fraudulently obtain money to which they were not entitled.

6. It was a part and an object of the conspiracy that RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, would and did place in a post office and authorized depository for mail, matters and things, to be sent and delivered by the Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and knowingly caused to be delivered by mail and such carriers according to the direction thereon, and at the place it was directed to be delivered by the person to whom it was addressed, such matters and things, and did thereby affect a financial institution, in violation of Title 18, United States Code, Section 1341.

7. It was a further part and an object of the conspiracy that RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From at least in or about 2010 up to and including in or about 2012, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, opened several bank accounts, including accounts at PNC Bank, Citibank and JP Morgan Chase Bank. Some of the accounts were opened using the personal identification information of victims without their permission.

b. From at least in or about 2010 up to and including in or about 2012, RANA KHANDAKAR, a/k/a "Rick

Shinwat," and USAWAN SAELIM, the defendants, used stolen credit card information to deposit money into several of the bank accounts that they had opened.

c. In or about January 2012, RANA KHANDAKAR, a/k/a "Rick Shinwat," the defendant, mailed, and caused to be mailed, to an address in New York, New York, materials related to an EZ Pass tag that was fraudulently purchased using stolen credit card information.

d. On or about March 27, 2012, USAWAN SAELIM, the defendant, deposited a \$23,000 check drawn on a victim's bank account (the "Victim-1 Bank Account") into a PNC Bank account in her name (the "PNC Bank Account").

e. On or about March 27, 2012, USAWAN SAELIM, the defendant, withdrew \$5,000 from the PNC Bank Account.

f. On or about March 27, 2012, RANA KHANDAKAR, a/k/a "Rick Shinwat," the defendant, accompanied USAWAN SAELIM, the defendant, while she deposited money into, and withdrew money from, the PNC Bank Account.

g. On or about January 10, 2012, a withdrawal was made from the PNC Bank Account at an ATM located in New York, New York.

h. On or about November 14, 2011, a withdrawal was made from the Victim-1 Bank Account at an ATM located in New York, New York.

(Title 18, United States Code, Section 1349.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

9. From at least in or about November 2008 up to and including on or about March 28, 2012, in the Southern District of New York and elsewhere, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, KHANDAKAR and SAELIM used the names, social security numbers, credit/debit card account numbers, and other personal identification information of other persons to establish fraudulent merchant accounts, to open bank accounts, and to make fraudulent credit card charges as part of the access device fraud and mail and bank fraud conspiracies charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

10. As a result of committing the offense alleged in Count One of this Indictment, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense, including but not limited to the following:

a. A sum of money representing property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense;

b. Any property interest, including but not limited to any leasehold interest, in the property known and described as 552 Lafayette Avenue, Apartment 2A, Brooklyn, New York, 11205 (the "Residence");

c. All currency, including but not limited to currency issued by the United States and Thailand, seized from the Residence;

d. All computers seized from the Residence;

e. All cellular telephones seized from the Residence;

f. All handbags seized from the Residence;

g. All items seized from the Residence that can be used to create false or fraudulent identification documents

and/or access devices including but not limited to all printers, "white" plastic, and labels;

h. All access devices seized from the Residence including but not limited to all credit cards, debit cards, and gift cards;

i. A Black 2008 Mercedes-Benz C-350 bearing New York license plate number FTB-2300 and VIN WDDGF56X48F079136;

j. All funds in the following accounts (the "Forfeitable Accounts"):

<u>INSTITUTION</u>	<u>ACCOUNT #</u>
ALLY BANK	1024435610
ALLY BANK	212443525
BANK OF AMERICA	21200339-381027522817
BANK OF AMERICA	21200339-381027289353
BANK OF AMERICA	21200339-381021406056
BANK OF AMERICA	21200339-381025276856
BANK OF AMERICA	21200339-381014808577
BANK OF AMERICA	21200339-381025276856

<u>INSTITUTION</u>	<u>ACCOUNT #</u>
BANK OF AMERICA	381014814972
BANK OF AMERICA	381021398342
BANK OF AMERICA	381021405963
BANK OF AMERICA	8138822678
CAPITAL ONE	1216399910300560
CITIBANK	9996499331
CITIBANK	9995568526
CITIBANK	9997321666
CREDIT ONE BANK	8778253242
EBAY/PAYPAL	1585339167394182891 (weddingloungeinfo@gmail.com)
ETRADE FINANCIAL	1772595164 and/or 63960793
ETRADE FINANCIAL	911592221 and/or 63766645
ETRADE FINANCIAL	367202382 and/or 68201874
ETRADE FINANCIAL	511050382 and/or 2025069754

<u>INSTITUTION</u>	<u>ACCOUNT #</u>
ETRADE FINANCIAL	936857796
ETRADE FINANCIAL	63965063
ING DIRECT	149907192
ING DIRECT	1510394779
JPMORGAN CHASE	428584036
JPMORGAN CHASE	427691279
JPMORGAN CHASE	412133444
JPMORGAN CHASE	3007678542
JPMORGAN CHASE	21000021-3002872749
JPMORGAN CHASE	21000021-938367901
JPMORGAN CHASE	21000021-428584306
JPMORGAN CHASE	21000021-3003633371
JPMORGAN CHASE	21000021-3003162777
JPMORGAN CHASE	21000021-2952626395
JPMORGAN CHASE	21000021-2952567439

<u>INSTITUTION</u>	<u>ACCOUNT #</u>
JPMORGAN CHASE	21000021-3003863849
JPMORGAN CHASE	3314148768
M&T BANK	22000046-15004217628055
META BANK	2042905526706
PNC BANK	4430510017345020
PNC BANK	8044601891
SCOTTRADE	59226708
WELLSFARGO	26012881-1010255752749
WELLSFARGO	26012881-1010257125824
WELLSFARGO	26012881-3000160890636
WELLSFARGO	26012881-3000163751853
WELLSFARGO	4828630826084010
WELLSFARGO	4828630812493010
WELLSFARGO	26012881-1010255756639
WELLSFARGO	26012881-1763676598

<u>INSTITUTION</u>	<u>ACCOUNT #</u>
WELLSFARGO	26012881-1010255756417
WELLSFARGO	1763672205
WELLSFARGO	1763672209
WELLSFARGO	1865690463

k. The contents of a safe deposit box located at PNC Bank including but not limited to all gold coins contained in that box.

11. As a result of committing the offense alleged in Count One of this Indictment, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 1029(c)(1)(C), any personal property used or intended to be used to commit the offense, including the following:

a. All currency, including but not limited to currency issued by the United States and Thailand, seized from the Residence;

b. All computers seized from the Residence;

c. All cellular telephones seized from the Residence;

d. All items seized from the Residence that can

be used to create false or fraudulent identification documents and/or access devices including but not limited to all printers, "white" plastic, and labels;

e. All access devices seized from the Residence including but not limited to all credit cards, debit cards, and gift cards;

f. A Black 2008 Mercedes-Benz C-350 bearing New York license plate number FTB-2300 and VIN WDDGF56X48F079136; and

g. All funds in the Forfeitable Accounts.

FORFEITURE ALLEGATION AS TO COUNT TWO

12. As the result of committing the offense alleged in Count Two of this Indictment, RANA KHANDAKAR, a/k/a "Rick Shinwat," and USAWAN SAELIM, the defendants, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense including, but not limited to:

a. A sum of money representing property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense;

b. Any property interest, including but not limited to any leasehold interest, in the Residence;

c. All currency, including but not limited to currency issued by the United States and Thailand, seized from the Residence;

d. All computers seized from the Residence;

e. All cellular telephones seized from the Residence;

f. All handbags seized from the Residence;

g. All items seized from the Residence that can be used to create false or fraudulent identification documents and/or access devices including but not limited to all printers, "white" plastic, and labels;

h. All access devices seized from the Residence including but not limited to all credit cards, debit cards, and gift cards;

i. A Black 2008 Mercedes-Benz C-350 bearing New York license plate number FTB-2300 and VIN WDDGF56X48F079136;

j. All funds in the Forfeitable Accounts; and

k. The contents of a safe deposit box located at PNC Bank including but not limited to all gold coins contained in that box.

SUBSTITUTE ASSETS PROVISION

13. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B) and (b)(1), and Title 21, United States Code, Section 853(p).)


FOREPERSON


PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RANA KHANDAKAR,
a/k/a "Rick Shinwat," and
USAWAN SAELIM

Defendants.

INDICTMENT

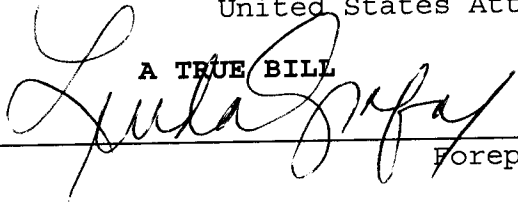
12 Cr.

(18 U.S.C. §§ 1029(b)(2), 1349, 1028A, and
2.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

Indictment filed. Case assigned to Judge
Koethl for all purposes... EITIS, USMT.

8/1/12
MB